

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BLAKE COOLEY,

Plaintiff(s),

v.

FREEDOM FOREVER LLC, et al.,

Defendant(s).

Case No.: 2:19-cv-00562-JCM-NJK

ORDER

(Docket No. 73)

Pending before the Court is the parties' joint report and proposed discovery plan. Docket No. 73.

On May 24, 2019, the Court granted Defendant Freedom Forever LLC's motion to stay discovery pending resolution of its then-pending motion to dismiss. Docket No. 30. The Court ordered that, "[i]n the event resolution of the motion to dismiss does not result in the termination of this matter, the parties shall submit a **joint** proposed discovery plan **within 14 days** of the issuance of the order resolving the motion to dismiss." *Id.* at 2 (emphasis added).

On November 25, 2019, Defendant Freedom Forever LLC's motion to dismiss was granted without prejudice. Docket No. 50. Despite the Court's order, the parties failed to file a joint proposed discovery plan within 14 days of the order resolving the motion to dismiss. *See* Docket.

On December 4, 2019, Plaintiff filed his amended complaint. Docket No. 52. On December 30, 2019, Defendant Freedom Forever LLC filed a motion to dismiss Plaintiff's amended complaint. Docket No. 57. On February 13, 2020, Defendant Freedom Forever LLC's motion to dismiss the amended complaint was denied. Docket No. 60. On April 27, 2020, Defendant Expert Energy Management LLC filed a motion to dismiss Plaintiff's amended complaint. Docket No. 66. That motion remains pending. *See* Docket.

1 It took the parties more than 200 days after Defendant Freedom Forever LLC's motion to
2 dismiss was resolved to submit a proposed discovery plan. *See* Docket. What is more, the parties'
3 instant filing violates the Court's order at Docket No. 30 by failing to submit a **joint** proposed
4 discovery plan. *See* Docket No. 73 at 2–9 (proposing different discovery plans).

5 Accordingly, the Court **DENIES** the parties' filing. Docket No. 73. All parties—including
6 Defendant Expert Energy Management LLC¹—must submit a single joint proposed discovery plan
7 no later than June 23, 2020. The proposed discovery plan must provide calendar dates for all
8 deadlines listed in Local Rule 26-1 and otherwise fully comply with the Local Rules.

9 IT IS SO ORDERED.

10 Dated: June 18, 2020

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13 Nancy J. Koppe
14 United States Magistrate Judge
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26 ¹ Defendant Expert Energy Management LLC submits that it should not be required to
27 conduct discovery because it has a motion to dismiss pending before the Court. “The Federal
28 Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a
potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D.
Nev. 2011). No stay has been granted as to Defendant Expert Energy Management LLC.